

Amendments to the Drawings

The attached sheet of drawings include changes to Fig. 6 as detailed in the Remarks section below. Replacement sheet that includes Fig. 6 replacing prior filed Fig. 6. A Marked-up Fig. 6 also is attached.

Attachment: Replacement Sheet

Annotated Marked-Up Drawing

REMARKS

Claims 1, 2, 3, 4, 6, 7, 8, 9, 12, 14, 15, 16, 17, 18-20, 21 and 22 are pending in this application. Claims 5, 10, 11, 13, 19, 23, 24 and 25 have been withdrawn. Applicants reserve the right to file a continuing application or take other appropriate action as deemed necessary to protect the withdrawn subject matter. Applicants do not hereby abandon or waive any rights in the withdrawn inventions.

Affirmation of Election

Applicants affirm election of Group I, without traverse, and of the species represented by Figure 2. Applicants further respectfully request that, as amended, Claim 19 be rejoined with the elected species of Figure 2, as it is believed that this claim reads on the Figure.

Amendment to Specification

The specification has been amended to correct the self-evident numbering errors on the paragraph starting at page 5, line 17. The proper numbers for the tip and the receiving component are 34 and 32, respectively.

Amendment to Drawings

Comparing to Fig. 2, the surfaces 64 and 68 in Fig. 6 are erroneously identified. The surfaces 64 and 68 in Fig. 6 are now consistently identified as Fig. 2. In compliance with 37 C.F.R. § 1.83(a), Replacement sheet for Fig. 6 is submitted. Support for this amendment is found at, for example, page 22, lines 18 to 19.

Amendment to Claims

Claim 1 has been amended to recite "a receiving component having a longitudinal axis and defining a cavity; a modular tip that includes a mating component, the mating component configured to be coupled in a rigid manner to the receiving component in two or less orientations; and a locking mechanism at the receiving component for securing the tip to the receiving component, the locking mechanism extending through the cavity, and slideably

moveable to and from a locked position, wherein the locking mechanism engages at least two surfaces of the mating component.” Support for amendment can be found at, for example, page 6, lines 15-21 and Fig. 2 of the specification as filed.

Claim 3 has been amended to recite “the mating component configured to be coupled to the receiving component to form a coupling, the coupling that can prevent relative movement between the mating component and the receiving component independent of the locking mechanism when a force is applied to the rigid structure in a direction substantially parallel to the longitudinal axis.” Support for amendment can be found at, for example, page 6, lines 4-9 of the specification as filed.

Claims 4 and 12 have been amended to be consistent with amended independent claim 1.

Claims 6 and 18 have been amended to recite “surfaces of the mating component component that engages the locking mechanism are planar” to more particularly point out and distinctly claim the invention. Support for this amendment can be found in the specification at, for example, page 2, lines 6 through 8.

Claims 7 and 20 have been amended to recite “surfaces of the locking mechanism that engage the mating component are planar” to more particularly point out and distinctly claim the invention. Support for this amendment can be found in the specification at, for example, page 2, lines 6 through 8.

Claim 9 has been amended to more particularly point out and distinctly claim the invention. Support for this amendment can be found in the specification at, for example, page 2, lines 6 through 8.

Claim 16 has been amended to recite “a receiving component having a longitudinal axis and defining a cavity; a modular tip including a mating component configured to be coupled in a rigid manner to the receiving component; a locking mechanism at the receiving component for securing the mating component to the receiving component, the locking mechanism extending through the cavity, and slideably moveable to and from a locked position, wherein the locking mechanism engages at least two surfaces of the mating component; and the mating component being coupled to the receiving component to form a coupling such that the coupling, without the engagement of the locking mechanism to the instrument, can prevent relative movement between the mating component and the receiving component when a force is applied to the coupling in a

direction substantially parallel to the longitudinal axis.” Support for amendment can be found at, for example, page 6, lines 15-21 and Fig. 2 of the specification as filed.

Claim 19 has been amended to correct the dependency.

Claim 22 has been amended to recite “a modular tip that includes a mating component; a receiving component defining a cavity, the receiving component configured to be coupled in a rigid manner to the mating component in two or less orientations having a longitudinal axis; and a locking mechanism at the receiving component for securing the mating component to the receiving component, the locking mechanism extending through the cavity, and slideably moveable to and from a locked position, wherein the locking mechanism engages at least two surfaces of the mating component.” Support for amendment can be found at, for example, page 6, lines 15-21 and Fig. 2 of the specification as filed.

No new matter is added.

Objection to the drawings under 37 CFR 1.83(a)

The drawing were objected to under 37 CFR 1.83(a) because the drawing did not show every feature of claims 5, 13 and 19. Claims 5, 13 and 19 have been withdrawn, rendering this issue moot.

Response to Rejection under 35 U.S.C § 112, first paragraph

Claims 3, 16-18, 20 and 21 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the examiner stated that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the examiner contended that there is no direction along the longitudinal axis of the receiving component that is “away from the receiving component” and therefore, there can be no force applied to the tip along the longitudinal axis of the receiving component that is directed “away” from the receiving component.

The claims, as amended, no longer recite the alleged offending limitation. As amended, the claims are enabled for one skilled in the art to practice the subject matter of the invention.

Claims 3, 16-18, 20 and 21 have been also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The examiner stated that, because of the indefiniteness, the scope of the claims cannot be determined. Again, the claims have been amended, no longer recited the alleged indefinite limitations.

As such, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1, 2, 14 and 15 under 35 U.S.C § 102(b)

Claims 1, 2, 14 and 15 are rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 6,261,296 to Aebi *et al.* (hereinafter “Aebi”). The examiner stated that Aebi discloses in Figure 7 and col. 6, lines 45-62 a receiving component 14, a modular tip 44, and a locking mechanism 64 (including a biased ball and detent). The locking mechanism in Aebi includes a post 62, and a biased detent ball 66. The tip 44 includes the post 62 in that the post is physically connected to and a part of the tip, and the receiving component houses the biased detent ball within a transverse bore 68.

The subject matter of Claim 1 is directed to a surgical instrument having a pair of handles. The instrument includes a receiving component having a longitudinal axis and defining a cavity, and a modular tip that includes a mating component configured to be coupled in a rigid manner to the receiving component in two or less orientations. Furthermore, the surgical instrument has a locking mechanism at the receiving component for securing the tip to the receiving component. The locking mechanism extends through the cavity, and is slideably moveable to and from a locked position. The locking mechanism engages at least two surfaces of the mating component.

Aebi does not anticipate claim 1 because the instrument of Aebi lacks several features of the surgical instrument of claim 1. For example, the instrument of Aebi does not have a locking mechanism that is slideably moveable to and from a locked position, nor does the locking mechanism engage at least two surfaces of the mating component. As such, claim 1 is patentable in view of Aebi. Furthermore, claims 2, 14 and 15, being dependent from claim 1, is patentable for the same reason.

Reconsideration and withdrawal of the rejection are respectfully requested

Rejection of Claims 1 and 9 under 35 U.S.C § 102(b)

Claims 1 and 9 are rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 2,173,215 to Shover (hereinafter "Shover"). The examiner stated that Shover discloses in Figure 2 a receiving component 9, a modular tip 13, and a locking mechanism having a first member including the head and a second member including the shaft.

Shover does not teach every element of claim 1. While Shover teaches a screw that secures the corresponding component to the tip in the present invention, the screw is not slideably moveable to and from a locked position. Therefore, claim 1 is patentable in view of Shover. Furthermore, claim 9, being dependent from claim 1, is patentable for the same reason.

Reconsideration and withdrawal of the rejection are respectfully requested

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Appl'n No.: 10/616,506
Title: ATTACHMENT MECHANISM FOR ...
Inventors: Shawn D. Stad, et al.
Annotated Sheet

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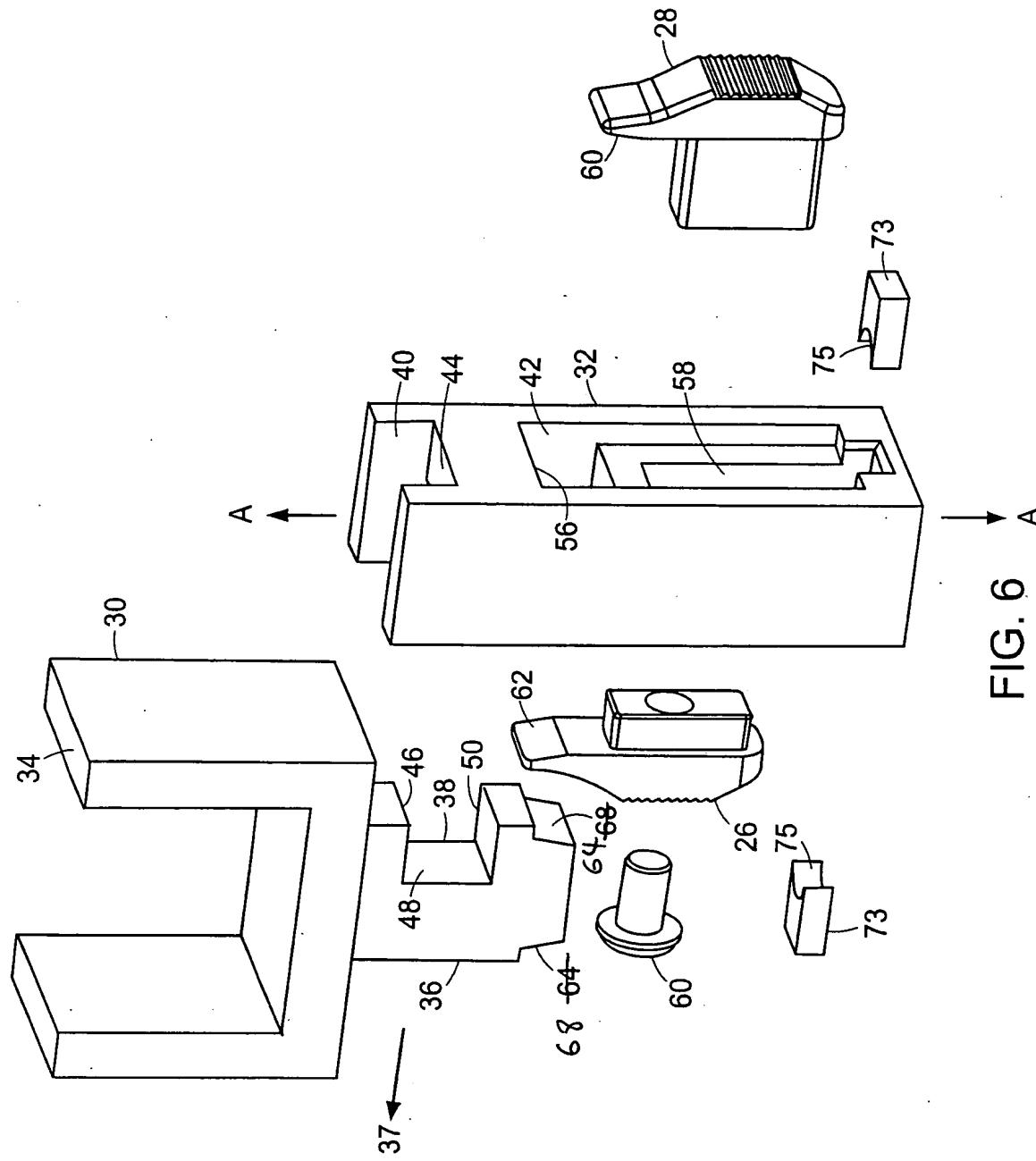


FIG. 6 A